

E-filed 10/22/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HERBERT RUSSELL, JR.,

Petitioner,

v.

PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

C 06-0106 JF (PR)

[PROPOSED] ORDER

GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until December 14, 2007, to file a motion to dismiss or notice that the motion is unwarranted. Petitioner may file an opposition to the motion to dismiss within 30 days of his receipt of the motion to dismiss. Respondent shall file and serve a reply within 15 days of receipt of petitioner's opposition.

Dated: 10/19/07


The Honorable Jeremy Fogel